

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of)

**CERTAIN SET-TOP BOXES AND
COMPONENTS THEREOF**)

Investigation No. 337-TA-454

Notice To The Parties

On June 21, 2002 the administrative law judge filed his Final Initial Determination. Attached are the initial page, conclusions of law and order from said filing which attachments are a matter of public record. If a party wants to pick up a copy of said filing from the Secretary's Office, the party should telephone the Secretary's Office after noon on June 24 to determine when the filing will be available for pick-up.

On June 21, 2002, each of the private parties and the staff received a copy of this notice.


Paul J. Luckern
Administrative Law Judge

Issued: June 21, 2002

000034

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of)

CERTAIN SET-TOP BOXES AND)
COMPONENTS THEREOF)

Investigation No. 337-TA-454

Final Initial Determination

This is the administrative law judge's final initial determination, under Commission rule 210.42. The administrative law judge, after a review of the record developed, finds no violation by any respondent of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).¹

¹ Should the Commission find a violation the administrative law judge is making recommendations as to remedy and bonding in this final initial determination.

XX. CONCLUSIONS OF LAW

1. The Commission has in rem jurisdiction, subject matter jurisdiction and in personam jurisdiction.

2. There has been an importation of certain set-top boxes and components thereof which are the subject of the alleged unfair trade allegation.

3. No domestic industry exists, as required by subsection (a) (2) of section 337, that exploits each of the '121, '268 and '204 patents because complainants have not met their burden in satisfying the technical prong of the domestic industry requirement.

4. Respondents have failed to establish that the asserted claims of each of the '121, '268 and '204 patents are not valid.

5. Complainants have failed to establish that the claims of the '121, '268 and '204 patents asserted against each of the respondents are infringed.

6. It has been established that complainants misused the '121 patent.

7. It has been established that the '121 patent is unenforceable for failure to name a coinventor.

8. Respondents are not in violation of section 337 based on any importation into the United States, sale for importation, and sale within the United States after importation of certain set-top boxes and components thereof which are the subject of the alleged unfair trade allegation.

XXI. ORDER

Based on the foregoing opinion, it is the administrative law judge's final initial determination that there has been no violation by any of the respondents of section 337 in the importation into the United States, sale for importation, and the sale within the United States after importation of certain set-top boxes and components thereof.

The administrative law judge hereby CERTIFIES to the Commission his final initial determination together with the record consisting of the exhibits admitted into evidence. The pleadings of the parties filed with the Secretary and the transcript of the hearing, are not certified, since they are already in the Commission's possession in accordance with Commission rules.


Further it is ORDERED that:

1. In accordance with Commission rule 210.39, all material heretofore marked in camera because of business, financial, and marketing data found by the administrative law judge to be cognizable as confidential business information under Commission rule 201.6(a) is to be given in camera treatment continuing after the date that this investigation is terminated.

2. Counsel for the parties shall have in the hands of the administrative law judge those portions of the final initial determination which contain bracketed confidential business information to be deleted from any public version of said determination, no later than July 12, 2002. Any such bracketed version shall not be served by telecopy on the administrative law judge. If no such bracketed version is received from a party it will mean that the party has no objection to removing the confidential status, in its entirety, from this initial determination.

3. This final initial determination, issued pursuant to Commission rule 210.42(h)(2), shall become the determination of the Commission forty-five (45) days after the service thereof,

unless the Commission, within that period shall have ordered its review in its entirety or certain issues therein, or by order has changed the effective date of said initial determination.



Paul J. Luckern
Administrative Law Judge

Issued: June 21, 2002